

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1206 of 2005

Dated: 28-07-2005

Between:

The Regional Manager, A.P.S.R.T.C., Rajamundry Region, E.G. District.
and another

..... APPELLANTS

AND

K. Satyanarayana, S/o. Suranna, Kotipalli Village & Post, K. Gangavaram Mandla,
East Godavari District.

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1206 of 2005

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

Challenge in this appeal is as to the correctness of the order rendered by a learned single Judge of this Court dated 29-04-2005 in W.P.No.10553 of 2005.

02. Facts relevant to resolve the controversy in this appeal are as under:

03. The petitioner was appointed as a conductor in the respondent-Corporation in 1977. On 30-05-1995, he was issued with charge memo on the allegation of unauthorized absence from duties. In that regard, he submitted an explanation. The 2nd respondent without considering the same and without initiating any enquiry issued the show cause notice and passed the order impugned imposing a punishment of deferment of annual increments for a period of 18 months, which shall have an effect on future increments. Challenging the same, he preferred the writ petition.

04. Having gone through the entire material on record and after hearing the learned counsel on either side, the learned single Judge modified the punishment to that of two annual increments without cumulative effect.

05. We have heard the learned counsel appearing on behalf of the parties.

06. Contextual fact depicts that without initiating any enquiry, the punishment had been imposed upon the petitioner. It is well settled law that the imposition of major punishment shall be preceded by a regular departmental enquiry. However, considering the nature of the misconduct and in view of the lenient view taken by the learned single Judge, we have no hesitation to hold that the

learned single is justified in modifying the punishment to that of deferment of two annual increments without cumulative effect. Therefore, there is no material irregularity or illegality in the order impugned and it needs no interference.

07. Resultantly, the writ appeal is dismissed, leaving the parties to bear their own costs.

T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

28.07.2005

rkk/Gurc